

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

JPA NO. 111 CO., LTD. and
JPA No. 49 CO., LTD.,

Debtors.¹

Chapter 11

Case No.: 21-12075 (DSJ)

**ORDER (I) WAIVING CERTAIN CREDITOR LIST
FILING REQUIREMENTS; (II) AUTHORIZING THE FILING OF A
CONSOLIDATED LIST OF TOP 30 UNSECURED CREDITORS; AND
(III) AUTHORIZING THE DEBTORS TO ESTABLISH PROCEDURES
FOR NOTIFYING PARTIES OF THE COMMENCEMENT OF THIS CASE**

Upon the application (the “Motion”)² of the debtors and debtors in possession (the “Debtors”) in the above-captioned cases (the “Chapter 11 Cases”) for an order (as modified for the reasons discussed on the record of the hearing on the Motion, this “Order”) (i) waiving the List Filing Requirements; (ii) authorizing the Debtors to file the Consolidated Top 30 List in lieu of individual Top 20 Lists; and (iii) (A) authorizing the Debtors to establish the Procedures for notifying parties of the commencement of these Chapter 11 Cases and of the Section 341 Meeting and (B) approving the form of the Notice of Commencement, a copy of which is attached hereto as **Exhibit 1**, all as set forth more fully in the Motion; and upon the First Day Declaration; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order; and the Court

¹ The Debtors in these Chapter 11 cases are: JPA No. 111 Co., Ltd. and JPA No. 49 Co., Ltd. The Debtors’ corporate address is Kasumigaseki Common Gate West Tower, 3-2-1 Kasumigaseki, Chiyoda-Ku, Tokyo 100-0013.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

having found that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and that the Court may enter a final order consistent with Article III of the United States Constitution; and the Court having found that venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and notice of the Motion having been given as provided in the Motion, and such notice having been adequate and appropriate under the circumstances; and the Court having reviewed the Motion and the First Day Declaration and having heard the statements in support of the relief requested therein at a hearing before the Court **on December 20, 2021** ~~, if any~~ (the “Hearing”); and the Court having determined that the relief requested in the Motion is in the best interests of the Debtors, their estates, creditors, and all parties in interest; and the Court having determined that the legal and factual bases set forth in the Motion and on the record of the Hearing establish just cause for the relief granted herein; and all objections to the Motion, if any, having been withdrawn or overruled; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefore, **[DSJ 12/20/2021]**

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. The Debtors are authorized to file a single Consolidated Top 30 List in lieu of each Debtor filing a separate Top 20 List.
3. The Notice of Commencement, in substantially the form attached as **Exhibit 1** hereto, is approved.
4. On or before the date that is twenty-one (21) days prior to the date on which the Section 341 Meeting is to be held, the Debtors shall cause the Notice of Commencement to be served via first-class mail on all creditors on the Creditor List and via e-mail where available.

5. The form and manner of notice as provided herein are reasonably calculated to inform interested parties of these Chapter 11 Cases and are hereby approved.

6. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(h) and the Local Rules are satisfied by such notice.

7. The Debtors are authorized and empowered to take all actions necessary to effectuate the relief granted in this Order.

8. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated: New York, New York
December 20, 2021

s/ David S. Jones
HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE

Exhibit 1

Notice of Commencement

341 MEETING DATE: _____ AT: ____ (EST)

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

JPA NO. 111 CO., LTD. and
JPA NO. 49 CO., LTD.,

Debtor.¹

Chapter 11

Case No.: 21-12075 (DSJ)

(Jointly Administered)

**NOTICE OF CHAPTER 11 BANKRUPTCY CASES AND NOTICE OF
MEETING OF CREDITORS PURSUANT TO SECTION 341 OF THE BANKRUPTCY CODE**

On December 17, 2021, JPA No. 111 Co., Ltd. and JPA No. 49 Co., Ltd., as debtors and debtors in possession (together, the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”) filed cases under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of these Chapter 11 Cases imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor’s property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney’s fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk’s office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk’s office at the address listed below, through PACER (Public Access to Court Electronic Records at <https://pacer.uscourts.gov>).

The staff of the bankruptcy clerk’s office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

¹ The Debtors in these Chapter 11 cases are: JPA No. 111 Co., Ltd. and JPA No. 49 Co., Ltd. The Debtors’ corporate address is Kasumigaseki Common Gate West Tower, 3-2-1 Kasumigaseki, Chiyoda-Ku, Tokyo 100-0013.

1. Debtors' full names:	JPA No. 111 Co., Ltd. and JPA No. 49 Co., Ltd.
2. All other names used by the Debtor(s) in the last 8 years:	N/A
3. Address	Kasumigaeski Common Gate West Tower 3-2-1 Kasumigaeski Chiyoda-Ku, Tokyo 100-0013
4. Debtor's attorneys	Togut, Segal & Segal LLP Kyle J. Ortiz Bryan M. Kotliar Amanda C. Glaubach One Penn Plaza, Suite 3335 New York, New York 10119 Contact Phone: (212) 594-5000 Contact email: kortiz@teamtogut.com bkotliar@teamtogut.com aglaubach@teamtogut.com
5. Bankruptcy clerk's office Documents in this case may be filed at this address: Clerk of the United States Bankruptcy Court United States Bankruptcy Court, S.D.N.Y. One Bowling Green New York, New York 10004 or online at https://pacer.uscourts.gov	Hours open: <u>8:30 a.m. – 5:00 p.m.</u> Contact phone: <u>(212) 668-2870</u>
6. Meeting of Creditors: Location:	<u>TO BE DETERMINED</u> DUE TO THE IMPACT OF COVID-19, THE MEETING OF CREDITORS WILL ONLY BE CONDUCTED TELEPHONICALLY DIAL-IN NO.: _____ PARTICIPANT CODE: _____ <i>The Debtor's representative must be present at the meeting to be questioned under oath. Creditors may attend, but are not required to do so. The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.</i>

<p>7. Proof of Claim Deadline</p>	<p>Deadline for filing proof of claim: Not yet set. If a deadline is set, the court will send you another notice.</p> <p>A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or at any bankruptcy clerk's office.</p> <p>Your claim will be allowed in the amount scheduled unless:</p> <ul style="list-style-type: none"> ■ your claim is designated as <i>disputed</i>, <i>contingent</i>, or <i>unliquidated</i>; ■ you file a proof of claim in a different amount; or ■ you receive another notice. <p>If your claim is not scheduled or if your claim is designated as <i>disputed</i>, <i>contingent</i>, or <i>unliquidated</i>, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.</p> <p>You may review the schedules at the bankruptcy clerk's office or online at http://pacer.uscourts.gov.</p> <p>Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.</p>
<p>8. Exception to Discharge Deadline</p> <p>The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.</p>	<p>If § 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below.</p> <p>Deadline for filing the complaint: <u>Notice of deadline will be sent at a later time.</u></p>
<p>9. Creditors with a Foreign Address</p>	<p>If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p>
<p>10. Filing a Chapter 11 Bankruptcy Case</p>	<p>Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.</p>
<p>11. Discharge of Debts</p>	<p>Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. § 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and § 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.</p>